



Appeal Decision

Site visit made on 13 June 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/E2734/D/23/3314665

2 Knox Gardens, Harrogate, North Yorkshire HG1 3AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs G Parkinson against the decision of Harrogate Borough Council.
 - The application Ref 22/03422/FUL, dated 2 September 2022, was refused by notice dated 31 October 2022.
 - The development proposed was originally described as the demolition of existing porch and detached garage. Proposed side/rear extension and rear deck.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of neighbouring properties to the north with particular reference to outlook and privacy.

Reasons

Character and appearance

3. The appeal property is a detached bungalow located within a residential area, comprising of a mix of bungalows and two-storey properties. The land slopes down between Knox Gardens and Knox Lane to the north, which has resulted in buildings having split levels. This is the case with the appeal premises where the rear elevation is taller than the front elevation. However, the extent of change in levels is not so significantly pronounced and the building retains the form and appearance of a bungalow from Knox Gardens.
4. In contrast, due to the change in levels, additional regrading, extent of projection to the rear and height of the proposed extension, the two storey element of the day room and home office extension would add considerable massing to the side elevation. This additional bulk and massing would not harmonise with the scale and form of the existing bungalow.
5. Even with matching materials and it being stepped down from the height of the existing bungalow, the height of the resulting two storey element and extent of projection, would appear an incongruous addition to the host bungalow.

6. I therefore conclude on this main issue that the proposal would have a harmful effect on the character and appearance of the surrounding area. As such, I find conflict with the requirements of Policy HP3 of the Harrogate District Local Plan (HDLP) (2020). This states, amongst other things, that development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.

Living conditions

7. The proposed two storey rear extension would project toward the northern boundary replacing the garage with a considerably taller structure. The additional width and overall height, including its roof, would add considerable mass, in contrast with the existing situation. In combination with the change in ground levels with the appeal site being higher than the neighbouring properties to the north, the proposals would appear an overly dominant feature from the gardens of No 39 Knox Lane (No 39) and to a lesser extent No 49B Knox Lane (No 49B).
8. The presence of the large opening on the western elevation and the external stair and landing would allow views across the garden of No 49B with a significant level of overlooking. Even if the intention is for the external area not to be used for sitting, its size would not preclude this. Its elevated nature, close proximity to the boundary, size of opening and external landing area would appear unduly invasive from within the garden of No 49B.
9. This would also be the case from the garden with No 39 but only from the elevated external landing area due to the angle from the windows of the day room to the garden.
10. The height and nature of the existing planting would not be sufficient to mitigate this and can not be relied upon long term to provide adequate screening. Moreover, obscuring the landing glazing would not mitigate the overlooking from someone sat or stood on the landing.
11. The existing property already has windows that overlook toward the gardens of No 39 and No 49B and a certain degree of overlooking is not uncommon in residential areas. However, the property is set back from the boundary such that the windows do not result in a significant level of overlooking. Moreover, my concerns are not with regards to the alterations to the fenestration to the living room of the existing property but to the closer relationship that would ensue from the extension.
12. The absence of harm in relation to overlooking and outlook internally at the dwellings at No 39, No 49B, or any other properties are neutral matters that do not weigh in favour of the scheme.
13. To conclude on this main issue the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties to the north with particular reference to outlook and privacy. As such, the proposal would conflict with the requirements of Policies HP4 and HS8 of the HDLP, the guidance within the House Extensions & Garages Design Guide Supplementary Planning Document (SPD) and the provisions of paragraph 130 of the National Planning Policy Framework. These stipulate, amongst other things, that development

proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of neighbours.

Other Matters

14. I understand that extending the property might meet the appellant's need for increased accommodation. However, personal circumstances will seldom outweigh more general planning concerns and the appellant's desire to extend the property does not, therefore, outweigh my concerns on the main issues.
15. The appellant has made changes to their scheme with the view to finding a solution. However, this is not a matter for my consideration in this appeal and I am only able to make my decision considering the plans that were before the Council when they made their decision.

Conclusion

16. For all the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
17. Therefore, I conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR